

Summary of Comments

B-2026-008

33 Church St



COMMITTEE OF ADJUSTMENT MEMORANDUM

APPLICATION NUMBER: B-2026-008

RELATED APPLICATION(S): N/A

TO: Sarah Burton Hopkins, Secretary Treasurer Committee of Adjustment

FROM: Toomaj Haghsheenas, Development Planner

SUBJECT: Consent to sever 33 Church Street to create two (2) new residential lots with frontage on Church Street.

PROPERTY INFORMATION:

Municipal Address	33 Church Street
Legal Description	PLAN 99 PT BLK B
Official Plan	Residential Low Density 1 (Schedule B2)
Zoning By-law	Residential 1 (R1) Zone

RECOMMENDATION:

The Planning Department recommends deferral of application B-2026-008, subject to the following requirements:

1. That the Cookstown EA process for WWTP expansion is completed and that Council approves a new protocol for allocation unit distribution.

REASON FOR APPLICATION:

The applicant is proposing to sever the subject lands located at 33 Church Street to create two (2) new residential lots. The first severed lot is proposed to have an approximate lot frontage of 14m along Church Street (measured in accordance with the Zoning By-law 7.5m back from the front lot line) with an approximate total lot area of approximately 482m². The second severed lot is proposed to have an approximate lot frontage of approximately 14m along Church Street with an approximate total lot area of approximately 491m². The retained would have an approximate lot area of 1056m² and a lot frontage of 23.5m along Church Street.

SURROUNDING LANDS:

North	Church Street (local road), St. John's Anglican Church and Cemetery
East	Single-detached dwellings
South	Single-detached dwellings
West	Albert Street (local road) and single-detached dwellings

ANALYSIS:

Site Inspection Date	September 9, 2026
Consistent with the Provincial Planning Statement (PPS): ☐ Yes ☐ No	The subject lands are within the Village Settlement Area of Cookstown as defined by the Provincial Planning Statement (PPS 2024). Section 2.3.1.1 states that “settlement areas shall be the focus and growth of development”. Section 2.3.1.2 states that land use patterns in settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and optimize existing or planned infrastructure and public service facilities. The subject lands are located within the settlement area of Cookstown and represents intensification on a public street that contains single detached lots, however public servicing is not currently available for the area. Section 3.6.1 states that that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Section 3.6.7 states that Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity. This application proposes intensification in an area with limited existing sanitary infrastructure. Staff report DSR-123-23 has identified limitations of the existing Cookstown Wastewater Treatment Plant (WWTP), stating that 15 residential allocation units are available in the Cookstown settlement area until an expansion of the WWTP is complete. However, it is noted that these 15 units have not been redistributed for future residential development at this time, and their redistribution must occur in a comprehensive and equitable manner for all applicants waiting for residential development. Staff request deferral until servicing allocation is available through the completion of the Cookstown EA process for WWTP expansion and Council approves a new protocol for distribution of the remaining units of allocation.
Conforms to the County of Simcoe Official Plan: ☐ Yes ☐ No	The subject lands are designated ‘Settlement’ in the Simcoe County Official Plan and identified as being in the Village Settlement Area of Cookstown. Section 3.5.8 indicates that settlement areas shall be the focus of population and employment growth and their regeneration shall be promoted. Intensification shall occur in built up areas per 3.5.24 and higher density development is permitted in built-up areas subject to the compatibility of the development with adjacent residential areas (3.5.30). Section 3.5.16 a) states that consideration will be given to “the required infrastructure and public service facilities are approved and implementable in a timely and cost-effective manner”. Residential allocation for this proposal would need to be approved by Council subsequent to the Cookstown EA process being complete, therefore approval of the required infrastructure is pending.

	Staff are of the opinion that the application would conform to the policies of the Simcoe County Official Plan once the Cookstown EA process is complete and Council approves a new protocol for distribution of the new allocation units.
Conforms to the Town of Innisfil Official Plan: ☐ Yes ☐ No	The subject lands are designated “Residential Low Density 1” on Schedule B2 to the Town Official Plan. The designation permits single detached dwellings. The lands are also located within the Village Settlement Area of Cookstown. Section 9.4.2 states that Village Settlement Areas will accommodate limited growth due to servicing constraints. Section 9.4.4 states that Further allocation of growth to Cookstown, if determined through a municipal comprehensive review conducted by the County of Simcoe, shall only be considered if the servicing capacity of Cookstown has the ability to be expanded to accommodate additional growth. Section 9.9.2 states that Infill and intensification are encouraged and will be directed to the delineated built-up areas of Alcona and Cookstown to the extent that servicing permits. At this time, there is no servicing allocation available for the proposed development. Staff’s view is that the EA process and protocol should be established first as per the proposed deferral requirement. This is consistent with other applications recently before the Committee of Adjustment (e.g. B-2026-001, B-2026-006) . Section 9.11.1 (iii) states that when determining the progression of development within a settlement area, “priority is given to proposals that optimize existing infrastructure and public service facilities.” The application is not consistent with his policy until servicing allocation is granted by Town Council. Section 10.1.47 states that the design of new or infill development adjacent to protected heritage properties, or the adaptive reuse of heritage structures shall incorporate the principles of heritage conservation. Design of these developments shall be sensitive to the existing heritage structures. Staff are of the opinion that the proposed lot creation will allow for integration of heritage design principles which will be reviewed at a later time through a heritage permit application. Section 10.2.4 of the Official Plan states that the maximum permitted density of the Residential Low Density 1 area shall be 13 units per net hectare and the minimum shall be 10 units per net hectare. ‘<i>Net hectare</i>’ means the area of land of the lot and includes local roads as per the definition in Section 23.3.91. The proposal to sever the subject lands would be lower than this range, at an approximate density of about 10 units per net hectare. . Section 10.2.11 states in cases of existing oversized lots, the lot may be subdivided such that any new lot(s) meet the minimum lot area requirements of the zoning by-law, any required variance is no

	greater than 20% of the applicable zoning provisions and the frontage is consistent with the average frontage on the same street within 250 metres. The proposed lots appear to just meet the 20% variance provision in lot area, but do not appear consistent with the average frontage within 250m on Church Street, which is much greater than 14m. Staff have some concerns about this provision not being met. Only allowing 1 lot would better meet the Official Plan policy, to bring the development more in line with the policy of consistent lot frontage. Staff would welcome further discussion in this regard. Sections 15.1.6. and 15.1.7 state a Tree Protection Plan shall be required as part of development applications that identifies, preserves, and compensates trees on the lot, including any trees removed five years prior to the development application. The provisions would be addressed at the time of approval through conditions. Considering the above, Staff have concerns respecting the application's conformity to the Town of Innisfil Official Plan at this time. Staff will re-evaluate the application through an OP lens should residential servicing allocation be secured through Council and hence recommend deferral.
Complies with the Town Zoning By-law: ☐ Yes ☐ No	The subject lands are zoned "Residential 1 (R1) Zone" in Zoning By-law 080-13, which permits single detached dwellings and requires a minimum 15m lot frontage and minimum 600m² lot area. Both severed lots, will have deficient lot areas of 482m² and 491m² respectively. Once of the severed lots will also have a slightly deficient frontage of approximately 14m As such, minor variances applications would be required as part of the severance application. Considering the above, Staff note that minor variance applications are required in support of the proposed severance if two lots are proposed. Staff have expressed some concern respecting allowing two lots on the subject lands.
Conforms to Section 2, 51(24) and 53(12) of the Planning Act: ☐ Yes ☐ No	Staff have reviewed the matters under Sections 2, 51(24) and 53(12) of the Planning Act. Section 51(24) requires Staff to consider suitability and dimensions of lots. The dimension / shape of the proposed lots is a concern as the lot line for the proposed westernmost severed lot appears to jog around the existing house and create a pinch point in the centre of the lot, resulting in an irregular-shaped lot that just meets the maximum potential 20% variance that can be considered for lot area in 10.2.11 of the Town Official Plan (480m² or 20%). Generally speaking this is not considered a desirable outcome for a severance, where interior side lot lines should be straight rather than drawn around existing development to maintain minimum setbacks from existing structures in order to accommodate more lots. Permitting only one lot would result in a more rectilinear and standard lot line, and conform more to the Town Official Plan lot frontage policy; Staff would welcome further discussion with the applicant in this regard. There are also concerns respecting, in general, limiting driveway access onto

	Church Street due to the extent of traffic and grading. Staff are of the opinion the proposed development is premature to be considered until the deferral requirement is met.
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CONCLUSION:

The Planning Department recommends deferral of applications B-2026-008, subject to the proposed requirements.

PREPARED BY:

Toomaj Haghshenas
Development Planner

REVIEWED BY:

Steven Montgomery, MCIP, RPP
Supervisor of Development Planning



Building Department

MEMORANDUM TO FILE

DATE: September 10, 2026

FROM/CONTACT: Jocelyn Penfold

FILE/APPLICATION: B-2026-008

SUBJECT: 33 Church St.

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. Please note that additional information (such as, but not limited to, septic review, limiting distance calculations or engineered documents, etc.) may be requested at building permit stage in order to review for compliance against the Ontario Building Code.
2. When applying for building permit for a new dwelling, please provide a lot grading plan designed by a Professional Engineer or an Ontario Land Surveyor to the satisfaction of the Building Department.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application.

1. Please provide limiting calculations by a qualified designer with a BCIN indicating that there is a sufficient setback from the new proposed property line to the existing structure for the existing windows and doors (unprotected openings). Please that if the limiting distance is not sufficient a building permit will be required to remove reduce the unprotected opening(s). Drawings are to be to the satisfaction of the Building Department.



Engineering

MEMORANDUM TO FILE

DATE: September 17, 2026

FROM/CONTACT: Adil Khan ex 3244 akhan@innisfil.ca

FILE/APPLICATION: B-008-2026

SUBJECT: 33 Church Street

Comments to applicant/owner for information purposes (Comments help provide additional information regarding the development of the subject lands to the applicant. Comments are not conditions of approval):

1. When applying for a building permit, please submit engineering design drawings and all other supporting documents in accordance with Town Standards and to the satisfaction of the Town.

Condition of Approval (Conditions of Approval are specific enforceable conditions regarding the subject lands should the Committee of Adjustment approve the application. For example: The applicant/owner shall apply for a building permit for the construction of a new dwelling to the satisfaction of Community Development Standards Branch)

1. Should trees be removed tree compensation shall be provided in accordance with the Town Standards.



MEMORANDUM TO FILE

DATE: September 8th, 2026

FROM/CONTACT: Thomas Steube-Chapman, InnServices

FILE/APPLICATION: B-2026-008 33 Queen Street

SUBJECT: Severance Application for 33 Queen Street – InnServices Comments and Conditions

Comments to applicant/owner for information purposes:

1. New water and sanitary service laterals, from the existing municipal water and sanitary main to property line will be required, to accommodate the creation of the new lots.
2. Prior to submitting a Right of Way Activity Permit (RAP) to the Town of Innisfil, the Owner/Applicant shall submit an Additional Service Connection Application to InnServices to service the proposed severed lot, complete with the applicable Additional Service Connection Application fees.
3. Prior to issuance of building permit(s) the Owner/Applicant shall have an issued RAP with The Town of Innisfil for works to be completed within the Town's road allowance in accordance with Town Standards that address, but may not be limited to, such matters as connecting new water and sanitary service laterals, to the existing municipal water and sanitary mains and restoration of the Town's road allowance. All works shall be completed to the satisfaction of the Town and InnServices.
4. As part of the RAP, the Owner/Applicant shall provide drawings, plans, cost estimates, specifications, reports, studies and certifications signed and sealed by a Professional Engineer for the proposed development that address, but may not be limited to the servicing of the proposed development to the satisfaction of the Town and InnServices.
5. The Owner/Applicant will retain a contractor to execute the installation of the services. This work may commence only after the applicant has an issued RAP with the Town of Innisfil and all fees have been paid to the satisfaction of the Town and InnServices.

Condition of Approval:

1. The subject property does not currently have additional units of sanitary allocation. The Owner/Applicant would be required to request and obtain two (2) additional units of sanitary allocation from The Town of Innisfil for the proposed severance, from the

remaining available units of allocation that are still available in the Cookstown Sanitary Sewer Allocation Policy CP.01-12-11 and all related Cookstown Sewer Allocation Town of Innisfil Staff Reports.

September 10, 2026

*****VIA EMAIL*****

Sarah Burton Hopkins
Secretary Treasurer
Town of Innisfil
2101 Innisfil Beach Road
Innisfil, ON, L9S 1A1

RE: Consent Application - B-2026-008
Subject Lands: 33 Church Street, Town of Innisfil, County of Simcoe
County File: I-B-2604

Thank you for circulating the above-noted application to the County of Simcoe. County Planning staff understand that the applicant is proposing to sever the subject lands to create two new residential lots with the existing dwelling to remain on the retained lands. The first severed lot (Lot 'A') is proposed to have a lot frontage of approximately 14 m and a total lot area of approximately 482 m². The second severed lot (Lot 'B') is proposed to have a lot frontage of approximately 14 m and a total lot area of approximately 491m². The retained lot, containing the existing residential dwelling, is proposed to have a lot frontage of approximately 26.9 m and a total lot area of approximately 1,056 m².

Based on the information provided, the County's comments are limited to waste collection.

The County of Simcoe is mandated to provide waste collection services (garbage and organics collection) to residential properties up to and including five (5) residential units, fronting on a municipal road. All municipal roads must be designed to accommodate County waste collection vehicles as outlined in the County of Simcoe's Waste Collection Design Standards. Should portions of the proposed development contain private roads, or buildings with six (6) or more residential dwelling units an Application for Waste Collection Services may be required.

Generally, carts must be able to be placed 0.6 metres (2ft) away from each other and 0.6 metres (2ft) from any other objects or obstructions (e.g. mailboxes, fire hydrants, parked vehicles). The carts must also be placed within 2.4 metres (8ft) of the travelled portion of the roadway for collections service.

Recycling collection services are administered through a designated producer responsibility organization, not the County of Simcoe.

County provided waste collection services may be initiated at the same time as recycling collection services, at the discretion of the County of Simcoe, and in keeping with the County of Simcoe Solid Waste Management By-law 7158-25.

If you have any questions or require further information regarding County Waste Collection, please contact the Solid Waste Department at solidwaste@simcoe.ca.

Please circulate future updates or notices with respect to this proposal to the attention of the County of Simcoe Planning Department via planning.notices@simcoe.ca.

If you have any questions or require further information, please do not hesitate to contact the undersigned.

Sincerely,

The Corporation of the County of Simcoe

A handwritten signature in black ink, appearing to be 'ED' or similar initials, enclosed in a circular flourish.

Elizabeth Davis
Planner II
P: 705-726-9300 ext. 1137
E: elizabeth.davis@simcoe.ca

cc. Dan Amadio, Planning Manager – County of Simcoe
Solid Waste Department – County of Simcoe